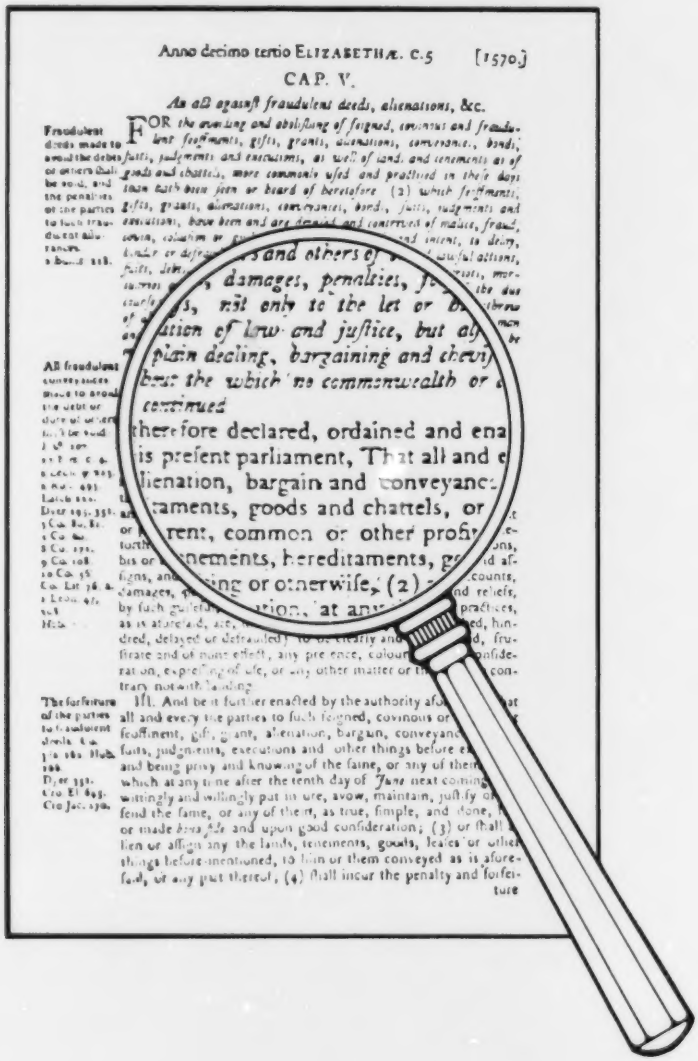
Government of Saskatchewan

Annual Report 1999-2000

Law Reform Commission of Saskatchewan


Anno decimo tertio ELIZABETHÆ. c.5 [1570.]
CAP. V.
An act against fraudulent deeds, alienations, &c.
FOR the avoiding and abolishing of feigned, covinous and fraudulent feoffments, gifts, grants, alienations, conveyances, bonds, suits, judgments and executions, as well of lands and tenements as of goods and chattels, more commonly used and practised in these days than hath been seen or heard of heretofore (2) which feoffments, gifts, grants, alienations, conveyances, bonds, suits, judgments and executions, have been and are devised and contrived of malice, fraud, covin, collusion or
and others of
damages, penalties,
not only to the let or
plain dealing, bargaining and chevi
continued
therefore declared, ordained and ena
is present parliament, That all and e
lienation, bargain and conveyanc
taments, goods and chattels, or
rent, common or other profi
nements, hereditaments, g
ing or otherwise, (2)
at any
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III. And be it further enacted by the authority afo
at
all and every the parties to such feigned, covinous or
feoffment, gift, grant, alienation, bargain, conveyanc
suits, judgments, executions and other things before e
and being privy and knowing of the same, or any of them
which at any time after the tenth day of June next coming
wittingly and willingly put in ure, avow, maintain, justify o
fend the same, or any of them, as true, simple, and done,
or made bona fide and upon good consideration; (3) or shall
lien or assign any the lands, tenements, goods, leases or other
things before-mentioned, to him or them conveyed as is afore-
said, or any part thereof, (4) shall incur the penalty and forfei-
ture

101-00920/

ANNUAL REPORT
1999-2000

Law Reform Commission of Saskatchewan

The Law Reform Commission of Saskatchewan was established by An Act to Establish a Law Reform Commission, proclaimed in November, 1973, and began functioning in February of 1974.

The Commissioners are:

Mr. Kenneth P. R. Hodges, Q.C., Chair
Ms. Gailmarie Anderson, B.A. B.ED.
Judge Diane Morris, B.A., LLB.

Mr. Michael Finley, B.A., LLB. is Director of Research.

The Commission offices are located at:
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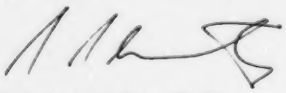
Letters of Transmittal

The Honourable Lynda Haverstock
Lieutenant Governor
Province of Saskatchewan

Your Honour:

I have the honour of submitting the Annual Report of the Law Reform Commission of Saskatchewan for the period April 1, 1999 to March 31, 2000.

Respectfully submitted,



Chris Axworthy, Q.C.
Minister of Justice
and Attorney General

The Honourable Chris Axworthy, Q.C.
Minister of Justice and Attorney General
Regina, Saskatchewan

Sir:

I have the honour of submitting the Annual Report of the Law Reform Commission of Saskatchewan for the period April 1, 1999 to March 31, 2000.

Respectfully submitted,

Kenneth P. R. Hodges, Q.C.
Chair

Objectives

The Law Reform Commission Act provides that:

"The Commission shall take and keep under review all the law of the province, including statute law, common law and judicial decisions, with a view to its systematic development and reform, including the codification, elimination of anomalies, repeal of obsolete and unnecessary enactments, reduction in the number of separate enactments and generally the simplification and modernization of the law."

Topics for the Commission's research program are brought before meetings of the Commission for consideration. These topics may originate from a recommendation of the Minister of Justice, from the Commission and its staff, from the judiciary, from the legal profession, from other professional organizations, or from the public generally.

Once the research study in a particular project is completed, the matter is placed before the Commission for discussion and consideration. The Commission may decide to issue background papers or tentative proposals for circulation to the public in order to obtain criticism and comment prior to the preparation of a final report. This may entail public meetings, hearings and workshops. The Commission's recommendations are embodied in its final report to the Minister of Justice.

The Commission works closely with the Department of Justice in formulating research projects and facilitating adoption of its proposals. The Commission has also made an on-going contribution on behalf of the Province to the national work of the Uniform Law Conference of Canada. Mr. Kenneth P. R. Hodges, Q.C., the Commission Chair, was a member of the Conference for many years. Mr. Michael Finley, the Commission's Director of Research, attended the Conference last year.

The Commission is a member of the Federation of Law Reform Agencies of Canada and is represented by Mr. Michael Finley.

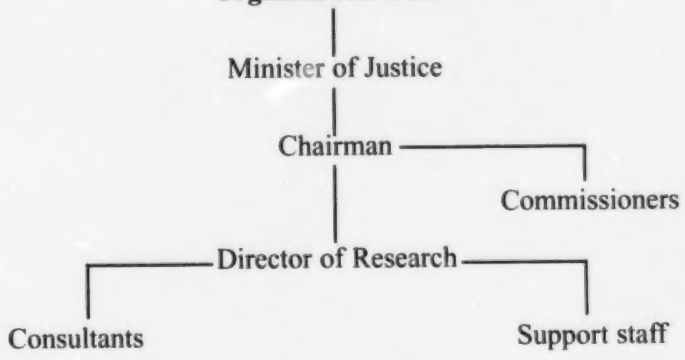
The Commissioners and Staff

The Law Reform Commission Act provides that the Minister of Justice shall appoint a Chair and not less than two other members of the Commission. Mr. Kenneth P.R. Hodges, Q.C. is Chair of the Commission. The other Commissioners are Judge Diane Morris, of the Saskatchewan Provincial Court and Ms. Gailmarie Anderson, a business woman and educator.

Mr. Michael Finley is Director of Research.

Previous members of the Commission are Professor Brian A. Grosman, Q.C. (Chair 1978-82), Professor R.C.C. Cuming, Q.C. (Chair 1978-82), Dr. D.A. Schmeiser, Q.C. (Chair 1982-87), Mr. Dale Linn, Q.C. (Chair 1987-92), Chief Justice E.D. Bayda (1974-76), Mr. George J.D. Taylor, Q.C. (1974-82), Madam Justice Marjorie A. Gerwing (1976-92), Mr. Gordon J. Kuski, Q.C. (1982-92) and Madam Justice Gene Anne Smith (1992-98).

Organization Chart



Financial Information

The Law Reform Commission is financed by the Province of Saskatchewan and the Law Foundation of Saskatchewan. For the fiscal year April 1, 1999 to March 31, 2000, the Commission received a grant of $55,000.00 from the Province through the Department of Justice. The Commission also received a grant of $13,750.00 being one-quarter of its usual grant from the Law Foundation. The Foundation reduced the amount of the grant pending clarification of the proposed restructuring of the Commission. The support of the Foundation, for which the Commission is most grateful, continues to be essential to the Commission's operation.

Persons who have received money from the Law Reform Commission of Saskatchewan: Chair $12,000.00 (Gross); Director of Research - $70,000.00. This information is made available pursuant to the recommendation of the Public Accounts Committee.

Research Program and Activities

Research on two major projects, enduring powers attorney and liability of volunteers, continued during the current fiscal year.

The Commission's first background paper on enduring powers of attorney addressed decision making powers in regard to property and finance. Current research focuses on decision making powers in regard to personal matters. The Commission intends to release a paper on this topic to members of the Provincial Steering Committee on Abuse of Adults in Vulnerable Circumstances for comment prior to publication. Some comment from the Commission's first paper on enduring powers has been received from the Committee, and the Committee currently plans to formally discuss enduring powers in the near future.

As a result of the Commission's public consultation on liability in the not-for-profit sector, two areas for continuing research were identified. Research was initiated on liability of board members of not-for-profit organizations and regulation of fund raising in the not-for-profit sector.

Research was also completed on a small project: Partition and sale of real property in co-ownership. A draft report has been prepared and is currently being reviewed by the Commission. The goal of this project is modernization of an aspect of property law still governed in Saskatchewan by law received from England.

Management's Responsibility for the Financial Statements

Management is responsible for the integrity of the financial information reported by the Law Reform Commission of Saskatchewan. Fulfilling this responsibility requires the preparation and presentation of financial statements and other financial information according to the recommendations of the Public Sector Accounting Board. These recommendations are consistently applied, with any exceptions specifically described in the financial statements.

The accounting systems used by the Commission include an appropriate system of internal controls to provide reasonable assurance that:

- transactions are authorized;
- the Commission's assets are properly kept and financial reports are properly monitored to ensure reliable information is provided for preparation of financial statements and other information;
- the accounts are properly kept and financial reports are properly monitored to ensure reliable information is provided for preparation of financial statements and other financial information.

To ensure management meets its responsibilities for financial reporting and internal control, the members of the Law Reform Commission of Saskatchewan discuss audit and reporting matters with representatives of management at regular meetings. The members of the Commission have also reviewed the financial statements with representatives of management.

The Provincial Auditor of Saskatchewan has audited the Law Reform Commission of Saskatchewan's statement of financial position as at March 31, 2000 and the related statements of operations and changes in net assets and cash flows for the year then ended. Their responsibility is to express an opinion on the fairness of management's financial statements. The Auditor's Report outlines the scope of their audit and their opinion.

Kenneth P.R. Hodges, Q.C.
Chair

Michael Finley
Director of Research

Saskatoon, Saskatchewan
July 4, 2000

Provincial Auditor Saskatchewan

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AUDITOR'S REPORT

To the Members of the Legislative Assembly of Saskatchewan

I have audited the statement of financial position of the Law Reform Commission of Saskatchewan as at March 31, 2000, and the statements of operations and changes in net assets and cash flows for the year then ended. The Commission's management is responsible for preparing these financial statements for Treasury Board's approval. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Commission as at March 31, 2000 and the results of its operations and its cash flows for the year then ended in accordance with generally accepted accounting principles.

Regina, Saskatchewan
June 27, 2000

Fred Wendel, CMA, CA
Acting Provincial Auditor

LAW REFORM COMMISSION OF SASKATCHEWAN
STATEMENT OF FINANCIAL POSITION
As at March 31

	2000	1999
ASSETS		
Current		
Cash	$ 38,040	$ 63,331
Accounts Receivable	—	1,420
Prepaid Expense	143	142
Capital assets (Note 3)	1,120	1,792
Total Assets	$ 39,303	$ 66,685
NET ASSETS		
Net assets invested in capital assets	$ 1,120	1,792
Unrestricted net assets	38,183	64,893
Total net assets (Statement 2)	$ 39,303	$ 66,685

(See accompanying notes to the financial statements)

LAW REFORM COMMISSION OF SASKATCHEWAN
STATEMENT OF OPERATIONS AND CHANGES IN NET ASSETS
Year Ended March 31

	2000	1999
Revenues		
General Revenue Fund appropriation	$ 55,000	$ 55,000
Law Foundation grants	13,750	55,000
Interest	594	1,221
	69,344	111,221
Expenses		
Salaries and employee benefits	72,604	72,664
Commissioners' honoraria and expenses	14,657	15,222
Rent	6,600	6,600
Conference	---	2,344
Office supplies and services	1,029	1,250
Printing	1,044	1,102
Communications	---	343
Miscellaneous	120	287
Amortization expense	672	224
	96,726	100,036
Excess of revenues over expenses	(27,382)	11,185
Net asset balance, beginning of year	66,685	55,500
Net asset balance, end of year (to Statement 1)	$ 39,303	$ 66,685

(See accompanying notes to the financial statements)

LAW REFORM COMMISSION OF SASKATCHEWAN
STATEMENT OF CASH FLOWS
Year Ended March 31

	2000	1999
Cash flows from operating activities		
General Revenue Fund appropriation	$ 55,000	$ 55,000
Law Foundation grants	13,750	55,000
Reimbursement of expenses	1,420	---
Interest received	594	1,221
Cash paid to suppliers and employees	(96,055)	(101,374)
Cash flows from operating activities	(25,291)	9,847
Cash flows from investing activities		
Purchase of capital assets	---	(2,015)
Net (decrease) increase in cash	(25,291)	7,832
Cash, beginning of year	63,331	55,499
Cash, end of year	$ 38,040	$ 63,331

(See accompanying notes to the financial statements)

LAW REFORM COMMISSION OF SASKATCHEWAN
NOTES TO THE FINANCIAL STATEMENTS
March 31, 2000

1. Incorporation

The Law Reform Commission Act was amended effective November 6, 1987. At that date the Commission became a body corporate and continued the operations of the Law Reform Commission of Saskatchewan.

The purpose of the Commission is to review all the laws of the Province with a view to its systematic development and reform and generally the simplification and modernization of the law.

2. Significant Accounting Policies

These financial statements have been prepared in accordance with GAAP and include the following significant accounting policies:

Revenue Recognition
The Law Reform Commission of Saskatchewan recognizes revenue when received or receivable.

Capital Assets
Capital assets are recorded at cost. The capital assets are reduced annually for the consumed cost of the asset calculated upon the straight line method and a useful life of 3 years.

3. Capital Assets

	Cost	Accumulated Amortization	Net Book Value 2000	Net Book Value 1999
Office equipment	$ 21,144	$ 21,143	$ 1	$ 1
Computer	2,015	896	1,119	1,791
	$ 23,159	$ 22,039	$ 1,120	$ 1,792

4. Related Party Transactions

Included in these financial statements are transactions with various Saskatchewan Crown corporations, departments, agencies, boards and commissions related to the Law Reform Commission of Saskatchewan by virtue of common control or significant influence by the Government of Saskatchewan.

The following table summarizes the Commission's related party transactions that are in the normal course of operations. These transactions are recorded at the standard rates charged by these parties and are settled at normal trade terms.

	2000	1999
Operating revenues - Grant from Department of Justice	$ 55,000	$ 55,000
Operating expenditures		
University of Saskatchewan - rent, other services	8,357	7,319

In addition, the Commission pays Saskatchewan Education and Health Tax to the Saskatchewan Department of Finance on all its taxable purchases. Taxes paid are recorded as a part of the cost of those purchases.

PUBLICATIONS

All the Commission's publications may be obtained from the office of the Queen's Printer, 1871 Smith St., Regina, Saskatchewan, S4P 2N5.

1. First Mini-Working Paper, Division of Matrimonial Property, Problems Within the Present Law, June 1974.
2. Second Mini-Working Paper, Division of Matrimonial Property, Possible Solutions to Problems Within the Present Law, September 1974.
3. Third Working Paper, Division of Matrimonial Property, Tentative Proposals for Reform of Matrimonial Property Law, October 1974.
4. First Annual Report 1974.
5. Background Paper, Reform of Personal Property Security Law in Saskatchewan, May 1975.
6. Background Paper, Family Maintenance Between Husband and Wife, November 1975.
7. Background Paper, Children's Maintenance, January 1976.
8. Second Annual Report 1975.
9. Tentative Proposals for a Saskatchewan Personal Property Security Act, February 1976.
10. Report to the Attorney General, Proposals for a Saskatchewan Matrimonial Homes Act, May 1976.
11. Report to the Attorney General, Conflict of Interest, March 1977.
12. Third Annual Report 1976.
13. Working Paper, Provincial Offences: Tentative Recommendations for Reform, April 1977.
14. Report to the Attorney General, Proposals for a Saskatchewan Personal Property Security Act, July 1977.
15. Fourth Annual Report 1977.
16. Tentative Proposals for a Consent of Minors to Health Care Act, November 1978.
17. Fifth Annual Report 1978.

17.a. Annual Report 1978 (to the Legislature).

18. Tentative Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts, March 1979.
19. Tentative Proposals for Reform of The Jury Act, May 1979.
20. Tentative Proposals for Custody Law Reform, Part I: Substantive Law, August 1979.
21. Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts, November 1979.
22. Proposals for Reform of The Jury Act, December 1979.
23. Tentative Proposals Relating to the Civil Rights of Children, December 1979.
24. Proposals for a Consent of Minors to Health Care Act, February 1980.

25. Sixth Annual Report 1979.
25.a. Annual Report 1979 (to the Legislature).
26. Tentative Proposals for Custody Law Reform, Part II: Procedures and Support Services, May 1980.
27. Tentative Proposals for a Definition of Death Act, June 1980.
28. Tentative Proposals for an Occupiers' Liability Act, June 1980.
29. Tentative Proposals for a Consumer Credit Act, Par I: Background and Underlying Considerations, Part II: Statistics, August 1980.
30. Proposals for an Occupiers' Liability Act, October 1980.
31. Proposals for a Definition of Death Act, December 1980.
32. Tentative Proposals for a Guardianship Act, Part I: Personal Guardianship, January 1981.
33. Tentative Proposals for Defences to Provincial Offences, February 1981.
34. Yearly Review 1980.
34.a. Annual Report 1980 (to the Legislature).
35. Tentative Proposals for a Consumer Credit Act, Part III: Secured Consumer Credit Transactions, Summary of Recommendations, May 1981.
36. Tentative Proposals for an Equality of Status of Married Persons Act, May 1981.
37. Tentative Proposals for Changes in Limitations Legislation, Part I: The Effect of Limitations on Title to Real Property, July 1981.
38. Tentative Proposals for a Human Artificial Insemination Act, November 1981.
39. Proposals on Custody, Parental Guardianship and the Civil Rights of Minors, December 1981.
40. Tentative Proposals for a Compulsory Mental Health Care Act, November 1981.
41. Tentative Proposals for an Enforcement of Maintenance Orders Act, March 1982.
42. Yearly Review 1981.
42.a. Annual Report 1981 (to the Legislature).
43. Proposals for an Equality of Status of Married Persons Act, May 1982.
44. Proposals for a Guardianship Act, Part I: Personal Guardianship, January 1983.
45. Yearly Review 1982.
45.a. Annual Report 1982 (to the Legislature).
46. Proposals Relating to Guest Passenger Legislation, August 1983.
47. Tentative Proposals for a Lieutenant Governor's Review Board in Saskatchewan, January 1984.
48. Yearly Review 1983.
48.a. Annual Report 1983 (to the Legislature).
49. Tentative Proposals for Reform of The Matrimonial Property Act, September 1984.
50. Proposals for a New Coroners Act, September, 1984.
51. Proposals for Restoring Civil Remedies Lost Upon Forfeiture Under The Automobile Accident Insurance Act, October 1984.
52. Proposals Relating to Ademption by Equitable Conversion, October 1984.

53. Tentative Proposals Relating to Testamentary Custody and Guardianship of Children, October 1984.
54. Proposals Relating to the Change of Name of Children of Divorced Parents, March 1985.
55. Proposals Relating to Joint Obligations, June 1985.
56. Yearly Review 1984.
56.a. Annual Report 1984 (to the Legislature).
57. Proposals for a Compulsory Mental Health Care Act, March 1985.
58. Proposals for a Survival of Actions Act, May 1985.
59. Proposals Relating to Matrimonial Property Legislation, December 1985.
60. Yearly Review 1985.
60.a. Annual Report 1985 (to the Legislature).
61. Tentative Proposals for Changes in Limitations Legislation, Part II: The Limitation of Actions Act, May 1986.
62. Proposals for Defences to Provincial Offences, December 1986.
63. Yearly Review 1986.
63.a. Annual Report 1986 (to the Legislature).
64. Proposals for a Human Artificial Insemination Act, March, 1987.
65. Tentative Proposals for a Frustrated Contracts Act, April, 1987.
66. Proposals Relating to the Rules Against Perpetuities and Accumulations, June 1987.
67. Tentative Proposals for Compensation of Accused on Acquittal, July, 1987.
68. A Handbook on the Saskatchewan Personal Property Security Act, August 1987.
69. Annual Report and Review 1987
70. Proposals for a Frustrated Contracts Act, November, 1988.
71. Proposals for a Consumer Credit Act, February, 1989.
72. Annual Report and Review 1988.
73. Proposals for a New Limitation of Actions Act, April 1989.
74. The Status of English Statute Law in Saskatchewan, February 1990.
75. Annual Report 1989-1990
76. The Bulk Sales Act, June 1990.
77. Tentative Proposals for a New Personal Property Security Act, December 1990.
78. Annual Report 1990-1991
79. Proposals for an Advance Health Care Directives Act, December 1991.
80. Annual Report 1991-1992
81. Proposals for a New Personal Property Security Act, June 1992
82. Annual Report 1992-1993
83. Proposals for a Structured Judgments Act, April 1993
84. Proposals Relating to Distress for Rent, May 1993
85. Annual Report 1993-1994
86. Ensuring Continuity, March 1995
87. Annual Report 1994-1995
88. Annual Report 1995-1996
89. Annual Report 1996-1997
90. Annual Report 1997-1998
91. Annual Report 1998-1999